

ORDINANCE NO. _____

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON,
STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO AMEND CHAPTER XII, ENTITLED *ADMINISTRATION AND ENFORCEMENT* IN BENTON COUNTY'S DEVELOPMENT REGULATIONS NAMED "REGULATION, STANDARDS AND SPECIFICATIONS FOR THE SUBDIVISION, CONVEYANCE, DEVELOPMENT, AND IMPROVEMENT OF UNINCORPORATED LAND IN BENTON COUNTY, ARKANSAS" WHICH IS COMMONLY REFERRED TO AS THE "BLUE BOOK".

WHEREAS, after having received public comments and input regarding Amendment to the County's Subdivision Regulations and a report from the Planning Board of the County, the Quorum Court desires that the fee for an Informal Plat as set out in Ordinance 98-53, blue book, attachment in Chapter XII be amended.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE
COUNTY OF BENTON, STATE OF ARKANSAS:

ARTICLE 1. That the fee authorized to be changed for an "Informal Plat Subdivision" set out in the "Blue Book" in Chapter XII Administration and Enforcement, Section 1. Authority to assess fees is hereby changed from \$200.00 to \$250.00 and per lot fees changed from \$0 to \$25.00.

ORDINANCE NO. 0-2004-11

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING ARTICLE II, SECTION 58 OF THE CODE OF ORDINANCES OF BENTON COUNTY REGARDING THE ROAD PLAN

WHEREAS, adoption of a road plan is a prerequisite for the exercise of county subdivision regulations; and

WHEREAS, certain portions of the Benton County Road Plan, which was adopted in 1986, are in need of updating; and

WHEREAS, pursuant to A.C.A. 14-17-208, the County Planning Board has recommended adoption of certain revisions to said Plan, which is codified in Section 58 of the County Code.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

SECTION 1. Section 58-28 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: "This article may be cited as the "Benton County Road Plan."

SECTION 2. Section 58-28 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: "(a) The Highway Functional Classification Map for Benton County, dated 9/11/92, prepared by the Arkansas State Highway & Transportation Department, is incorporated by reference and made a part of this article, and shall, as permitted by A.C.A. 27-66-308, satisfy the road plan requirements for county planning. All county roads not classified on said Map shall be considered local roads.

SECTION 3. Section 58-37 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: "Property owners wishing to construct private driveways or other accesses connecting to a county road shall file a request with the County Judge and an application with the County Planning Office. Applications shall be processed and reviewed, the site inspected, and a permit issued within 10 working days, if approved.

The applicant shall furnish drainage culverts of appropriate size, length, and type as determined by the County Road Department. Installation shall be done by private interests in accordance with county specifications, or by the Road Department on an at cost basis. Installation shall be accomplished within 30 days of issuance of the permit, and a Road Department inspection shall be conducted within 5 days thereafter. Should said installation fail inspection, the applicant shall have 10 days to correct stated

deficiencies. Violation of this section shall result in punishment as provided in Section 1-9 for each failure to correct a violation after written notice to comply from the County Judge."

SECTION 4. Section 58-38 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: "All road crossings for any purpose shall be done by boring unless prior approval has been given by the County Judge. There must be a compelling reason for approval of an open cut across a county road. For approved cuts, a bond in the amount of \$500.00 shall be posted. This bond will be returned upon the proper restoration of the roadbed as determined by the County Road Department. Violation of this section shall result in punishment as provided in Section 1-9 for each offense, and each day shall constitute a new offense. A violation occurs when a ditch or trench is cut without first posting the bond required or receiving the required permission. However, when ditching or trenching is to be done on lands, roads,

easements or right-of-ways that have been dedicated to the county, but the county has not accepted the responsibility to maintain such, the procedures of this section shall still apply, including notice to the corporation or public utility who has or who retained the responsibility for maintenance and notice shall also be given to them. In those situations where the bond is posted with such other entity, that entity shall make the proper restoration determination. Prior Arkansas Highway & Transportation Department approval shall be required for all bores or cuts involving State roads or right-of-ways.”

SECTION 5. Section 58-40 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “All cable, pipe or other devices buried on county right-of-way must be placed at least 36 inches below the ground at the point of entrenchment, and shall be clearly marked. When laying cable, pipe or other devices, such shall be laid as far back from the roadbed as possible, not to exceed the limits of the right-of-way.”

SECTION 6. The Code of Ordinances of Benton County, Arkansas is amended by adding a section to read as follows: “**Sec. 58-41. Road obstructions.** There shall be no types of obstructions that would limit or hamper the County Road Department’s abilities to maintain or repair a county road. Public access roads that have a gate across them shall be considered a private drive beyond the point of obstruction.”

SECTION 7. Section 58-57 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “(a) Right-of-way, whether for additional dedication purposes, or for new construction or upgrading of local roads shall be 50 feet. (b) Right-of-way, whether for additional dedication purposes, or for new construction or upgrading of collector roads shall be 60 feet. (c) Right-of-way, whether for additional dedication purposes, or for new construction or upgrading of arterial roads shall be 80 feet. (d) Right-of-way dedications for existing roads shall be measured from the center of the existing road or right-of way.”

SECTION 8. Section 58-58 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “Bridges and culverts shall be a minimum of four feet wider than the traveled surface, terrain permitting, and have a minimum weight capacity of 20 tons. Bridge approaches should have guardrails designed and installed according to standard road engineering practices.”

SECTION 9. Section 58-65 (c) (2) of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “a. This item shall consist of an asphalt concrete hot mix (ACHM) wearing surface composed of a compacted mixture of mineral aggregate and asphalt binder, constructed on the completed and accepted base course. b. The wearing surface shall be composed of a mixture of mineral aggregate and asphalt binder as shown for ACHM surface course (half inch) in the Standard Specifications for Highway Construction, Arkansas State Highway and Transportation Department Edition 2003, Section 400. c. The mineral aggregate for asphalt concrete hot mix surface course shall consist of a combination of coarse aggregate, fine aggregate and mineral filler. The coarse aggregate shall be crushed gravel or crushed stone. The coarse aggregate is that fraction retained on the number 10 sieve. Crushed stone shall consist of hard, tough, durable fragments of rock of uniform quality, free from an excess of soft particles. Gravel shall consist of hard, durable pebbles free from an excess of soft particles. Crushed gravel is that gravel of which 100 percent of the particles have been produced from larger particles. d. Asphalt binder shall be prepared from petroleum, shall be homogeneous, free from water, shall not foam when heated to 347 degrees Fahrenheit and shall comply with the specifications shown in the Standard Specifications for Highway Construction, Arkansas State Highway and Transportation Department Edition of 2003, Section 400. e. The finished surface coarse shall be compacted to not less than 92% of the maximum theoretical density. Hot mix bituminous material shall not be mixed or placed when the air temperature is below 40 degrees Fahrenheit or when there is frost on the base or subgrade.”

SECTION 10. The Code of Ordinances of Benton County, Arkansas is amended by adding a section to read as follows: “**Sec. 58-83. Signage of roads.** (a) Green sign roads. A county maintained road-if accepted, and signed-off on by the County Judge. All signs will be maintained and replaced by the County Road Department. (b) Blue sign roads. Limited public access road-must have a minimum of 3 houses, and will be maintained, and will be replaced by the Road Department. (c) White sign roads. Requested private drive-will not be maintained by the County. All signs must be maintained and replaced by the property

owner, or a representative of all property owners on the requested road. The cost for a new, or replacement sign shall be assessed for all white signs by the County Judge. (d) Road signs. Speed limit signs, curve signs, arrow signs, and signs relative to highway safety will be replaced and maintained by the County. All other signs may be maintained and replaced by the adjoining property owner. A cost will be assessed for these signs.

COUNTY ORDINANCE NO. 0-86-27

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

BENTON COUNTY SET-BACK ORDINANCE

WHEREAS, Ark. Stat. Anno. 17-1111 allows the Planning Board to recommend to the Quorum Court implementing ordinances; and,

WHEREAS, the purpose of the set-back ordinance is to provide for the safety, aesthetic value and road improvements of Benton County.

IT IS THEREFORE, ORDAINED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, a Set-Back Ordinance to be established as follows:

ARTICLE I. DEFINITIONS:

- A.** Man-made structures – anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to advertising signs, billboards and similar structures but excluding portable animal shelters, portable storage buildings, cattle guard, traffic-control signs, and usual farm fences built of wire and posts.
- B.** Set-Back – the area in which the construction of all man-made structures is prohibited.
- C.** Arterial Roads – as defined in the official Benton County Road Plan.
- D.** Collector Roads – as defined in the official Benton County Road Plan.
- E.** Local Roads – as defined in the official Benton County Road Plan.

ARTICLE II. MINIMUM SET-BACK

No man-made structures shall be constructed within the following minimum set-back areas:

- A.** Arterial Roads – Sixty-five (65) feet measured from the centerline of the fronting road or twenty five (25) feet from the fronting property line, whichever is greater.
- B.** Collector Roads – Fifty-five (55) feet measured from the center line of the fronting road or twenty-five (25) feet from the fronting property line, whichever is greater.
- C.** Local Roads – Fifty (50) feet measured from the centerline of the fronting road or

twenty five (25) feet from the fronting property line, whichever is greater.

- D. Existing subdivisions which have been approved by the County prior to the effective date of this ordinance with a lesser set-back than herein required shall be permitted to observe the set-back as shown on the recorded plat.

ARTICLE III. RECORDING PLATS

The county recorder shall not accept any plat in the unincorporated area of the county not within the exercised territorial jurisdiction of a municipality for record without the approval of the County Planning Board.

ARTICLE IV. SAFETY AT INTERSECTIONS

For the safety and general welfare of the citizens of Benton County and to provide reasonable sight distance for motorists, no landscape or ornamental planting shall be permitted within thirty (30) feet of the intersection of a road right-of-way. The right-of-way of roads, for purposes of this regulation, shall be as defined as arterial, collector, or local roads in the official Benton County Road Plan.

ARTICLE V. NON-COMPLIANCE CLAUSE

All man-made structures existing on the effective date of this Ordinance in the prohibited set-back areas as defined herein shall be allowed to be continued until the structure shall be destroyed or abandoned, except any such man-made structure which is listed on a state or national register of historical places may be rebuilt or restored on the same site following destruction or abandonment.

ARTICLE VI. BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment shall consist of the Planning Board which shall sit as a whole.

ARTICLE VII. VARIATION PERMITTED

The County Court may, upon recommendation of the County Planning Board, vary the Requirements of this article if strict enforcement would cause undue hardship due to circumstances unique to the individual property under consideration and grant such variations only when it is demonstrated that such action will be in keeping with the spirit and intent of this article.

ARTICLE VIII. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect the provisions or applications of the

ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Ordinance are declared to be severable.

APPROVED:

**Became law without
Judge's signature
11-20-86**

DATE:

ATTEST:

COUNTY CLERK:

DATE ADOPTED: 11-13-86

SPONSOR: RURAL ROADS COMMITTEE

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON,
STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

AN ORDINANCE AMENDING ARTICLE II, SECTION 46 OF THE CODE OF ORDINANCES OF BENTON COUNTY REGARDING MOBILE HOME PARKS

WHEREAS, certain portions of Section 46 of the Code regarding mobile home parks, originally adopted in 1977, are in need of updating; and

WHEREAS, pursuant to A.C. A. 14-17-208, the County Planning Board has recommended adoption of certain amendments.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

SECTION 1. Section 46-27 (a) *Mobile home dwelling units* of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: *Mobile home dwelling units* means transportable dwelling units suitable for single-family year-round occupancy and containing the same water supply, waste disposal and electrical convenience as immobile housing; and shall be inclusive of the definition of "manufactured home" contained in A.C.A. 14-54-1602."

SECTION 2. Section 46-31 (2) of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: "Subdivision regulations of a city, if a proposed park is outside the city, but within the city's subdivision jurisdiction." Section 46-31 is also amended by adding the following sections: "(6) State standards for installation set forth under A.C.A. 20-25-106 and the design of the manufacturer," and "(7) Chapter 38 of the Code pertaining to flood damage prevention."

SECTION 3. Section 46-33 (1) of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: "*Misdemeanor*. Violations of this article shall be deemed a misdemeanor and shall be punishable pursuant to provisions of Sec. 1-9 of this Code."

SECTION 4. Section 46-34 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: "Application fees for mobile home parks shall be \$200.00. Said fees shall be to offset processing, advertising, and inspection expenses."

SECTION 5. Section 46-53 (a) of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: "The official in charge of enforcement of this article shall be the planning office manager."

SECTION 6. Sections 46-77 (3) and (11) respectively of the Code of Ordinances of Benton County, Arkansas are amended to read as follows: "(3) *Topography*. Except as provided for in Chapter 38 of this Code, contours, with intervals of five to ten feet

depending on terrain, referenced to USGS datum, shall be shown;" and (11) *Flood area*. All of the proposed mobile home park area located within the 100-year floodplain as identified on Flood Insurance Rate Maps for Benton County, published by the Federal Emergency Management Agency, shall be clearly designated on the plat. A drainage study may be required by the planning board as a condition of approval."

SECTION 7. Section 46-84 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: "Ten copies of the mobile home park plat shall accompany the application."

SECTION 8. Section 46-86 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: "Upon receipt of an application and plat for mobile home park approval, the planning office

manager shall check for conformance with this article. When all application requirements have been met, copies of the plat shall be forwarded to the planning board for consideration. The board shall consult with county officials, utilities, planners, and other authorities as deemed appropriate.”

SECTION 9. Section 46-87 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “Upon receipt of an application and plat for mobile home park approval, the planning office manager shall notify in writing the mayor and city area boundary. The notice will briefly describe the proposed application and include a copy of the plat and supporting information, and indicate when it will be considered for action.”

SECTION 10. Section 46-88 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “Upon receipt of the staff recommendation, as well as recommendations of any city, official, subcommittee or other authorities consulted, the planning board shall vote to approve or reject the mobile home park plat; provided A.C.A. 14-17-208 (i) shall, if applicable, be complied with. If the plat is rejected, the board shall note all deficiencies by item upon the plat. One copy of the approved or rejected plat, with condition noted thereon, shall be returned to the developer. The developer may submit a revised plat. When changes are required by the board, all public and private agencies, which in the discretion of the planning board are affected, shall be advised. The grounds for not approving any proposed or planned physical development, or the regulations violated by the application or plat shall also be stated in the record of the meeting and kept open for public inspection.”

APPENDIX E – COUNTY ORDINANCE NO. 78-5

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN EMERGENCY ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO CREATE THE COUNTY PLANNING BOARD; TO ESTABLISH THE ROLE OF PLANNING IN COUNTY AFFAIRS; AND ADMINISTER SAID BOARDS ACTIVITIES.

ARTICLE 1.0 – CREATION OF COUNTY PLANNING BOARD

1.1 There is hereby created County Planning Board. Such Board is created pursuant to the provisions of the general laws of the State of Arkansas, Acts 742 and 422 of 1977. Whereas, Act 742 provided for the termination of county planning boards no later than July 1, 1978, unless such a board was created and reorganized by the Quorum Court; and whereas, the Benton County Planning Board has served a useful and vital service for the citizens of Benton County, the Quorum Court of Benton County hereby creates a County Planning Board in the manner provided in this ordinance with such duties and provided in this ordinance with such duties and powers as herein contained.

ARTICLE 2.0 – MEMBERSHIP, TERMS AND APPOINTMENT

2.1 The County Judge of Benton County may, with the approval of the County Quorum Court, create a County Planning Board. Said Board shall consist of seven (7) members appointed by the County Judge and confirmed by the Quorum Court. It is requested that the County Judge advertise for applicants for any open positions and submit names to the Quorum Court Personnel Committee for review and comment before appointment by the County Judge and confirmation by the Quorum Court. At least one third (1/3) of the members shall not hold any other elective office or appointment except membership on a municipal or joint planning commission or a zoning board of adjustment.

2.2 The term of each board member shall be for a period of four (4) years; provided however that the initial appointments to the board, a majority, but not exceeding three fifths (3/5) of the total membership of the Board, shall be appointed for two (2) years and the remaining members for four (4) years. No member shall serve for more than two (2) full terms, consecutively. A vacancy in the membership due to any reason shall be filled as described in Article 2.1. Any member of the Board shall be subject to removal for cause upon recommendation of the County Judge and confirmation by the Quorum Court.

ARTICLE 3.0 – OFFICERS, RULES AND PROCEDURES

3.1 The Planning Board shall designate one of its members as chairman and select a vice-chairman and such other officers as it may require annually at its July meeting. No member shall succeed himself in the same office. Rules and Regulations for the discharge of its duties and the transaction of business shall be adopted by the Planning Board. Such rules shall establish a regular meeting date providing for at least one regular meeting to be held in each month of each calendar year. A public record shall be maintained of all business resolutions, transactions, findings, and determinations.

3.2 Special meetings may be called at the request of the County Judge or by the Quorum Court or by a majority of the membership of the Board. At least 24 hours notice is required for special meetings.

ARTICLE 4.0 EMPLOYEES, EXPENDITURES, COMPENSATION OF MEMBERS, OFFICE, AND EQUIPMENT

4.1 The County Judge shall provide necessary staff which shall assist the Planning Board and act in its behalf in the administration of its duties and responsibilities. Such staff will be employed by the County Judge with the advice of the Planning Board. Furthermore, such staff shall be governed by the uniform personnel policies affecting all County employees. Compensation of Planning Board members and staff assigned to assist said board shall be established each November by the Quorum Court in its annual budget ordinance.

4.2 The County Judge will make application for available public and private revenue sources for planning activities and may contract with respect thereto with the advice and consent of the Planning Board. No funds may be expended for planning activities except with appropriation by the Quorum Court.

ARTICLE 5.0 FUNCTIONS AND DUTIES

5.1 The County Planning Board shall have such functions and duties as specified in 1977 Acts of Arkansas, No 422, Section 3,4, and 5.

ARTICLE 6.0 SUBDIVISION, SET-BACK, AND ENTRY CONTROL ORDINANCES

6.1 The Benton County Subdivision Regulations as promulgated by the Benton County Planning Board, dated November 17, 1975, are hereby adopted and incorporated herein as if set out at length. Any alteration or amendment to said Subdivision Regulations shall be made in accordance with Arkansas Act 422, Section 5 and 6.

ARTICLE 7.0 MOBILE HOME PARK REGULATIONS

7.1 The Benton County Mobile Home Park Regulations as adopted by the Quorum Court, date November 1, 1977, shall be administered by the County Planning Board in the manner set out by Ordinance No. 77-23.

ARTICLE 8.0 SEVERABILITY

8.1 If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the involved provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

ARTICLE 9.0 EFFECTIVE DATE

9.1 It is hereby determined that creation of a County Planning Board will meet a public emergency affecting the safety and property of the people of Benton County. Therefore, an emergency is hereby declared to exist and said creation of the Planning Board as herein contained shall be in full force and effect from and after its passage and approval.

ATTEST:

COUNTY CLERK:

DATE:

SPONSOR: Duane Curby

APPROVAL:

COUNTY JUDGE: _____

ORDINANCE NO. 82-18

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF
ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING ORDINANCE NO. 78-5, INCREASING THE MEMBERSHIP OF AND
CHANGING THE TERMS OF THE MEMBERS OF THE PLANNING BOARD AND FOR OTHER
PURPOSES.

ARTICLE I. Article 2 of Ordinance No. 78-5 is amended to read as follows:

2.1 The County Judge of Benton County may, with the approval of the County Quorum Court, create a County Planning Board. Said Board shall consist of seven (7) members appointed by the County Judge and confirmed by the Quorum Court. It is requested that the County Judge advertise for applicants for any open positions and submit names to the Quorum Court Personnel Committee for review and comment before appointment by the County Judge and confirmation by the Quorum Court. At least one-third (1/3) of the members shall not hold any other elective office or appointment except membership on a municipal or joint planning commission or a zoning board of adjustment.

2.2 The term of each board member shall be for a period of four (4) years; provided however that the initial appointments to the board, a majority, but not exceeding three fifths (3/5) of the total membership of the Board, shall be appointed for two (2) years and the remaining members for four (4) years. No member shall serve for more than two (2) full terms, consecutively. A vacancy in the membership due to any reason shall be filled as described in Article 2.1. Any member of the Board shall be subject to removal for cause upon recommendation of the County Judge and confirmation by the Quorum Court.

ARTICLE II. Article 3 of Ordinance No. 78-5 is amended to read as follows:

ARTICLE 3.0. OFFICERS, RULES AND PROCEDURES. 3.1. The Planning Board shall designate one of its members as chairman and select a vice-chairman and such other officers as it may require annually at its July meeting. No member shall succeed himself in the same office. Rules and Regulations for the discharge of its duties and the transaction of business shall be adopted by the Planning Board. Such rules shall establish a regular meeting date providing for at least one regular meeting to be held in each month of each calendar year. A public record shall be maintained of all business resolutions, transactions, findings, and determinations.

3.2 Special meetings may be called at the request of the County Judge or by the Quorum Court or by a majority of the membership of the Board. At least 24 hours notice is required for special meetings.

ATTEST: Mary Lou Slinkard

DATE ADOPTED: 8-26-82

SPONSOR: Government Operations Committee

APPROVED: A.E. Norwood

DATE: 9-7-82